

LEGAL NOTICE
Notice of Proposed Rulemaking
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), to Parts 2, 3, 5, and 8 of Title 12, Subtitle 8, Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4, Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The purpose of these rules is to promulgate safety and health standards that meet or exceed Federal Occupational Safety and Health Administration standards in providing safe and healthful work places for Hawaii's workers.

The public hearing will consider the amendments to the General Industry Standard, Chapters 12-50, General Provisions and Definitions; 12-62.1, Medical and First Aid; 12-67.2, General Environmental Controls; 12-73.1, Materials Handling and Storage; 12-74.1, Hazardous Materials; 12-77.1, Logging and Wood Processing; 12-78.2, Welding, Cutting and Brazing; 12-79.1, Hand and Portable Powered Tools and Other Hand-Held Equipment; and 12-92.1, Telecommunications; Construction Standards, 12-145.1, Asbestos; 12-146, 4,4-Methylenedianiline; 12-147, Cadmium; and 12-148.1, Lead; Occupational Safety and Health Standards for Shipyard Employment, Chapter 12-170, and Health Standards, Chapters 12-202, Toxic Materials and Harmful Physical Agents; and 12-206 Asbestos.

The proposed amendments to all of the chapters listed above are as a result of the Occupational Safety and Health Administration (OSHA) Standards Improvement Project-Phase II. Phase I of the project was completed in 1998, where OSHA was to remove and revise provisions of the standards that were outdated, duplicative, unnecessary, or inconsistent. The current amendments are Phase II of the project to eliminate confusing, outdated, and duplicative standards and regulations.

The proposed changes include:

1. Section 12-50-9, Incorporation of federal standard, chapters 67.2, General Environmental Controls, 12-74.1, Hazardous Materials, 12-77.1, Logging and Wood Processing, 12-78.2, Welding, Cutting and Brazing, 12-79.1, Hand and Portable Powered Tools and Other Hand-Held Equipment, are all being amended to reflect the deletion of three references to national consensus standards and two references to industry standards that are outdated.
2. Chapter 12-62.1, Medical and First Aid, Appendix A to this standard, is being amended to update an American National Standard (ANSI) reference to a more current issue, ANSI Z308.1-1998, Minimum Requirements for Workplace First-aid Kits.

3. Chapter 12-67.2, General and Environmental Controls, is being amended to update methods of contacting the division for reporting a communicable disease to include electronic means or any method that is equally fast.
4. Chapter 12-73.1, Materials Handling and Storage, is being amended to delete 3 paragraphs that were listed but did not have a subsection heading.
5. Chapter 12-92.1, Telecommunications, is being amended to allow the employer to provide first aid supplies without having to get medical recommendation from a physician.
6. Chapter 12-145.1, Asbestos, is being amended to require the employer to notify the employee of monitoring results no later than 5 working days instead of as soon as possible after the receipt of the results.
7. Chapter 12-146, 4,4-Methylenedianiline, is being amended to require the employer to notify the employee of monitoring results as soon as possible but no later than 5 working days after receipt of the results instead of the 15 days currently allowed.
8. Chapter 12-147, Cadmium, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results and to require the employer to give such notice not only within 5 working days after receiving the results but as soon as possible.
9. Chapter 12-148.1, Lead, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results and to require the employer to give such notice not only within 5 working days after receiving the results but as soon as possible.
10. Chapter 12-170, Occupational Safety and Health Standards for Shipyard Employment, is being amended to require the employer to notify the employee of monitoring results no later than 5 working days of the receipt of the results instead of as soon as possible after the receipt of the results.
11. Chapter 12-202, Toxic Materials and Harmful Physical Agents, contains different standards for many different substances. The amendments for the different substances are as follows:
 - a. Section 12-202-14.1, 13 Carcinogens (4-Nitrobiphenyl, etc), is being amended by removing and reserving paragraph (f) on the reporting of operations involving the presence of carcinogens and incidents involving the release of carcinogens.
 - b. Section 12-202-28.1, Vinyl Chloride, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the

receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to require that a program for monitoring and measuring be repeated at least quarterly for any employee exposed in excess of the permissible exposure limit and every 6 months for exposures at or above the action level, to require annual exams for employees exposed to vinyl chloride above the action level, and to require that any plans required by the standard be updated at least annually. The standard will also allow the use of an accredited laboratory for the analyses of biological specimens included in a medical examination.

- c. Section 12-202-29.1, 1,2-Dibromo-3-Chloropropane, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to allow the employer to extend the length of time between monitoring depending on the circumstances from quarterly to six months and from monthly to quarterly, and to require that any plans required by the standard be revised at least annually.
- d. Section 12-202-30.1, Acrylonitrile, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to allow the employer to extend the length of time between monitoring depending on the circumstances from quarterly to six months and from monthly to quarterly and to require that any plans required by the standard be revised and updated at least annually.
- e. Section 12-202-31.1, Inorganic arsenic, is being amended to require the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to require that any plans required by the standard be revised and updated at least annually, and to change the x-ray requirement from 14" x 17" to standard.
- f. Section 12-202-32.1, Cotton dust, is being amended to require the employer to notify employees of monitoring results within 15 days of the receipt of monitoring results and to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results.
- g. Section 12-202-33.1, Lead, is being amended to allow the employer 15 days after the receipt of monitoring results to notify the employees of the results, to allow the employer the options of notifying employees of the monitoring

results either in writing individually or by posting the monitoring results, and requiring written programs to be revised and updated at least annually.

- h. Standard 12-202-35.1, Ethylene oxide, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.
 - i. Section 12-202-36.1, Benzene, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.
 - j. Section 12-202-37.1, Formaldehyde, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results. It also removes the written plan requirement previously included under the employee notification provision.
 - k. Section 12-202-39, Cadmium, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results.
 - l. Section 12-202-40, 1,3-Butadiene, is being amended to allow the employer 15 days after the receipt of monitoring results to notify the employees of the results.
12. Chapter 12-206, Asbestos, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star Bulletin, The Honolulu Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday - Friday between the hours of 1:00 p.m. - 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813; 2264 Aupuni Street, Wailuku, Hawaii 96793; 75 Aupuni Street, Hilo, Hawaii 96720; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed rules may be viewed at our website at <http://hawaii.gov/labor>, or obtained by submitting a request with a prepaid fee of \$1.00 for the copy and .87¢ postage to 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813 or by calling (808) 586-9086.

Interested persons may present, at the public hearing, any written or oral data, views, arguments, comments, and objections concerning the proposals at:

HONOLULU, OAHU

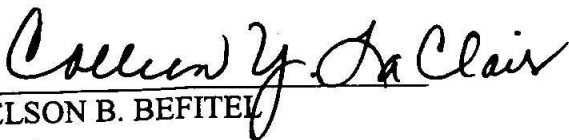
March 9, 2006; 1:00 p.m.
Keelikolani Building
830 Punchbowl Street
Room 427
Honolulu, Hawaii 96813

The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons unable to attend the public hearing, may submit written data, views, arguments, comments, and objections concerning the proposals to the Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request by calling the Administration and Technical Support Branch at (808) 586-9086 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: February 2, 2006



NELSON B. BEFITELE



Director

Department of Labor and
Industrial Relations

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to Chapters 12-50, 12-62.1, 12-67.2,
12-73.1, 12-74.1, 12-77.1, 12-78.2, 12-79.1, 12-92.1,
12-145.1, 12-146, 12-147, 12-148.1, 12-170, 12-202,
and 12-206

Date

1. Section 12-50-9, Hawaii Administrative Rules,
is amended to read as follows:

"§12-50-9 Incorporation of federal standard.

Title 29, Code of Federal Regulations, section 1910.6,
entitled "Incorporation by reference" published by the
Office of the Federal Register, National Archives and
Records Administration, on June 27, 1974; and the
amendments published on February 10, 1984;
March 7, 1996[,and]; March 23, 1999[,]; and
September 13, 2005, are made a part of this section."
[Eff 2/14/00; am 12/29/00; am] (Auth:
HRS §396-4) (Imp: HRS §396-4)

2. Section 12-62.1-1, Hawaii Administrative
Rules, is amended to read as follows:

"§12-62.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Subpart K,
entitled "Medical and First Aid" published by the
Office of the Federal Register, National Archives and
Records Administration, on May 29, 1971, and the
amendments published on March 7, 1996; [and]
June 18, 1998[,]; and January 5, 2005, are made a part
of this chapter." [Eff 10/23/97; am 3/29/99;
am] (Auth: HRS §396-4)
(Imp: HRS §396-4)

3. Section 12-67.2-2, Hawaii Administrative
Rules, is amended to read as follows:

"§12-67.2-2 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Subpart J,
entitled "General Environmental Controls" published by
the Office of the Federal Register, National Archives
and Records Administration, on June 27, 1974; and the
amendments published on April 28, 1975; May 28, 1975;
October 24, 1978; November 7, 1978; April 26, 1982;

February 10, 1984; April 30, 1984; September 19, 1986; September 1, 1989; October 17, 1989; September 20, 1990; January 14, 1993; June 29, 1993; May 19, 1994; March 7, 1996; June 18, 1998; [and] December 1, 1998[,]; January 5, 2005; and September 13, 2005, are made part of this chapter, except as provided in section 12-67.2-1." [Eff 12/29/01; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

4. Section 12-73.1-2, Hawaii Administrative Rules, is amended to read as follows:

"§12-73.1-2 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Subpart N, entitled "Materials Handling and Storage" published by the Office of the Federal Register, National Archives and Records Administration, on October 18, 1972; and the amendments published on June 1, 1973; June 27, 1974; March 26, 1975; May 28, 1975; June 27, 1975; July 28, 1975; March 30, 1976; October 24, 1978; February 3, 1984; February 10, 1984; September 29, 1986; September 25, 1987; April 12, 1988; September 8, 1988; August 6, 1990; June 30, 1993; March 7, 1996; June 18, 1998; [and] December 1, 1998[,]; and September 30, 2005, are made part of this chapter, except as provided in 12-73.1-1.

Note: 29 CFR 1910.178 Powered industrial trucks, shall not apply to agricultural operations." [Eff 12/29/01; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

5. Section 12-74.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-74.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Subpart H, entitled "Hazardous Materials" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on January 27, 1975; June 2, 1975; October 24, 1978; November 7, 1978; September 12, 1980; September 7, 1982; February 10, 1984; September 29, 1986; April 12, 1988; March 6, 1989; April 13, 1990; June 20, 1990; August 6, 1990; April 18, 1991; February 24, 1992; March 4, 1992; June 30, 1993; August 22, 1994; March 7, 1996; January 8, 1998; June 18, 1998; March 23, 1999; November 7, 2002; [and]

June 8, 2004[,]; and September 13, 2005, are made part of this chapter." [Eff 12/29/01; am 5/21/04; am 5/5/05; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

6. Section 12-77.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-77.1-1 Incorporation of federal standard.

The following Title 29, Code of Federal Regulations, published by the Office of Federal Register, National Archives and Records Administration, are made part of this chapter:

- 1) Section 1910.265, entitled "Sawmills" published on June 27, 1974; and the amendments published on May 28, 1975; October 24, 1978; November 7, 1978; April 12, 1988; August 6, 1990; March 7, 1996; and June 18, 1998; and
- 2) Section 1910.266, entitled "Logging Operations" published on October 12, 1994; and the amendments published on February 8, 1995; August 9, 1995; September 8, 1995; [and] March 7, 1996[,]; and September 13, 2005, except as provided in section 12-77.1-2." [Eff 8/10/95; am 1/16/96; am 11/16/96; am 3/29/99; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

7. Section 12-78.2-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-78.2-1 Incorporation of federal standard.

Title 29, Code of Federal Register, Subpart Q, entitled "Welding, Cutting and Brazing" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on May 28, 1975; April 12, 1988; October 24, 1978; February 10, 1984; September 29, 1986; June 7, 1989; April 11, 1990; August 6, 1990; November 1, 1990; March 7, 1996 [, and]; January 8, 1998[,]; and September 13, 2005, are made a part of this chapter." [Eff 12/29/00; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

8. Section 12-79.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-79.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Subpart P,

entitled "Hand and Portable Powered Tools and Other Hand-Held Equipment" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on October 24, 1978; February 10, 1984; February 1, 1985; [and] March 7, 1996[,]; and September 13, 2005, are made part of this chapter."
[Eff 12/29/01; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

9. Section 12-92.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-92.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, §1910.268, entitled "Telecommunications" published by the Office of the Federal Register, National Archives and Records Administration on March 26, 1975, and the amendments published on October 24, 1978; April 6, 1982; September 28, 1987; June 7, 1989; March 7, 1996; June 18, 1998; November 7, 2002[,and]; June 8, 2004[,]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-92.1-2." [Eff 3/29/99; am 5/21/04; am 5/21/04; am 5/5/05; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

10. Section 12-145.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-145.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, section 1926.58, entitled "Asbestos, tremolite, anthophyllite, and actinolite", published by the Office of the Federal Register, National Archives and Records Administration, on June 20, 1986; and the amendments published on October 17, 1986; April 30, 1987; May 12, 1987; July 20, 1988; September 14, 1988; June 7, 1989; July 21, 1989; December 20, 1989; February 5, 1990; August 24, 1990; December 10, 1990; June 8, 1992; June 30, 1992; August 10, 1994 (redesignated as section 1926.1101); February 21, 1995; March 1, 1995; June 28, 1995;

June 29, 1995; July 13, 1995; September 29, 1995; August 23, 1996; January 8, 1998; April 23, 1998; [and] June 29, 1998[,]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-145.1-2." [Eff 8/10/95; am 1/26/96; am 11/16/96; am 2/8/97; am 7/6/98; am 3/29/99; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

11. Section 12-146-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-146-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, chapter 1926.60, entitled Methylenedianiline, published by the Office of the Federal Register, National Archives and Records Administration, on August 10, 1992; and the amendments published on June 20, 1996; January 8, 1998; December 6, 2004[,]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-146-2." [Eff 2/26/93; am 11/16/96; am 7/6/98; am 9/1/05; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

12. Section 12-147-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-147-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, section 1926.63, entitled "Cadmium", published by the Office of the Federal Register, National Archives and Records Administration, on September 14, 1992, and the amendments published on April 23, 1993;

January 3, 1994 (redesignated as section 1926.1127); June 20, 1996; [and] January 8, 1998 [,]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-147-2." [Eff 2/26/93; am 11/5/93; am 7/25/94; am 8/10/95; am 11/16/96; am 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

13. Section 12-148.1-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-148.1-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, section 1926.62, entitled "Lead", published by the Office of the Federal Register, National Archives and Records Administration, on May 4, 1993, and the amendments as published on June 24, 1993; [and] January 8, 1998 [, is]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-148.1-2." [Eff 11/5/93; am 8/10/95; am 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

14. Section 12-170-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-170-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, Part 1915 entitled "Occupational Safety and Health Standards for Shipyard Employment" published by the Office of the Federal Register, National Archives and Records Administration, on April 20, 1982; and the amendments published on April 30, 1984; July 7, 1986; September 29, 1986; August 24, 1987; April 27, 1988; February 15, 1989; June 7, 1989; September 14, 1992; October 30, 1992; April 23, 1993; January 3, 1994; February 9, 1994; July 19, 1994; July 25, 1994; August 10, 1994; December 22, 1994; February 21, 1995; March 16, 1995; June 28, 1995; June 29, 1995; July 13, 1995; September 29, 1995; February 13, 1996; March 7, 1996; May 24, 1996; June 13, 1996; June 20, 1996; August 23, 1996; November 4, 1996; January 10, 1997; June 20, 1997; March 19, 1998; June 29, 1998; December 1, 1998; March 1, 1999; July 3, 2002; [and] September 15, 2004[,]January 5, 2005; and March 21, 2005, are made a part of this chapter." [Eff 3/23/01; am 1/10/03; 9/01/05; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

15. Section 12-202-14.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-14.1 13 Carcinogens (4-Nitrobiphenyl, etc). (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1003, entitled "13 Carcinogens (4- Nitrobiphenyl, etc)", published by the Office of the Federal Register, National Archives and Records Administration published on March 7, 1996, and the amendments published on June 20, 1996; January 8, 1998; [and] April 23, 1998 [,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1003 and applied to this section:

"§1910.20" means §12-202-3.

"§1910.134" means §12-64.1-2.

"§1910.141" means chapter 12-67.

"OSHA Area Director" means the director of the department of labor and industrial relations or the director's designee." [Eff 11/16/96; am 2/8/97; am 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

16. Section 12-202-28.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-28.1 Vinyl Chloride. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1017, entitled "Vinyl Chloride" published by the Office of the Federal Register, National Archives and Records Administration on October 4, 1974; and the amendments published on December 3, 1974; March 25, 1975; Redesignated May 28, 1975; Amendments October 24, 1975; May 23, 1980; June 7, 1989; June 30, 1993; February 13, 1996; January 8, 1998; [and] June 18, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1017 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3." [Eff 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

Historical note: §12-202-28.1 is based substantially upon section 12-202-28. [Eff 7/12/82; R 7/6/98]

17. Section 12-202-29.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-29.1 1,2-Dibromo-3-Chloropropane. (a)

Incorporation of federal standard. Title 29 Code of Federal Regulations. Section 1910.1044, entitled "1,2-Dibromo-3-Chloropropane" published by the Office of the Federal Register, National Archives and Records Administration on March 17, 1978 and the amendments published on May 23, 1980; April 30, 1984; June 7, 1989; June 30, 1993; February 13, 1996; [and] January 8, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1044 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.141" means section 1910.141 in Chapter 12-67." [Eff 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

Historical note: §12-202-29.1 is based substantially upon section 12-202-29. [Eff 7/12/82; R 7/6/98]

18. Section 12-202-30.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-30.1 Acrylonitrile. (a) Incorporation of federal standard, Title 29 Code of Federal Regulations, section 1910.1045, entitled "Acrylonitrile" published by the Office of the Federal Register, National Archives and Records Administration on October 3, 1978; and the amendments published on May 23, 1980; June 7, 1989; June 30, 1993; February 13, 1996; January 8, 1998; [and] April 23, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1045 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.141" means section 1910.141 in chapter

12-67." [Eff 7/6/98; am] (Auth:
HRS §396-4) (Imp: HRS §396-4)

Historical note: §12-202-30.1 is based
substantially upon section 12-202-30. [Eff 7/12/82;
R 7/6/98]

19. Section 12-202-31.1, Hawaii Administrative
Rules, is amended to read as follows:

"§12-202-31.1 Inorganic arsenic. (a)

Incorporation of federal standard. Title 29 Code of
Federal Regulations, section 1910.1018, entitled
"Inorganic Arsenic" published by the office of the
federal Register. National Archives and Records
Administration on May 5, 1978; and the amendments
published on June 30, 1978; May 23, 1980;
June 2, 1989; June 30, 1993; February 13, 1996;
March 2, 1996; January 8, 1998; [and]
June 18, 1998[,]; and January 5, 2005, are made a part
of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section
1910.1018 and applied to this section:

"§1910.20" means section 1910.20 in section
12-202-3.

"§1910.133" means section 1910.133 in section
12-64.1-1.

"§1910.134" means section 1910.134 in section
12-64.1-1.

"§1910.141" means section 1910.141 in chapter
12-67." [Eff 7/6/98; am] (Auth: HRS
§396-4) (Imp HRS §396-4)

Historical note: §12-202-31.1 is based
substantially upon section 12-202-31. [Eff 7/12/82;
R 7/6/98]

20. Section 12-202-32.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-32.1 Cotton dust. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1043, entitled "Cotton dust" published by the Office of the Federal Register, National Archives and Records Administration on June 23, 1978; and the amendments published on June 30, 1978; August 8, 1978; December 5, 1978; February 26, 1980; May 23, 1980; October 10, 1980; December 13, 1985; July 3, 1986; June 7, 1989; February 13, 1996; January 8, 1998; [and] December 7, 2000[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1043 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3." [Eff 7/6/98; am 12/29/01; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

Historical note: §12-202-32.1 is based substantially upon section 12-202-32. [Eff 7/12/82[,]; am 8/5/88; R 7/6/98]

21. Section 12-202-33.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-33.1 Lead. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1025, entitled "Lead", published by the Office of the Federal Register. National Archives and published on November 14, 1978; and the amendments published on October 23, 1979; November 30, 1979; November 12, 1982; March 8, 1983; April 30, 1984; May 31, 1991; October 11, 1995; January 8, 1998; [and] April 23, 1998[,];and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1025 and applied to this section:

"§1910.133" means section 1910.133 in chapter 12-64.1.

"§1910.141" means chapter 12-67.

"29 CFR 1910.134" means section 12-64.1-2.

"29 CFR 1910.20" means section 12-202-3.

"Assistant Secretary" means the director, department of labor and industrial relations, or the director's designee.

"OSHA" means occupational safety and health division, State of Hawaii." [Eff 9/21/96; am 2/8/97; am 7/6/98; am] (Auth: HRS §396-4)
(Imp: HRS §396-4)

Historical note: Section 12-202-33.1 is based substantially upon section 12-202-33. [Eff 7/12/82; am 12/6/82; am 5/28/83; am 8/5/88; am 3/22/91; R 9/21/96]

22. Section 12-202-35.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-35.1 Ethylene oxide. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1047, entitled "Ethylene Oxide" published by the Office of the Federal Register, National Archives and Records Administration on June 22, 1984; and the amendments published on March 12, 1985; October 11, 1985; July 10, 1986; April 5, 1988; July 26[.], 1988; June 7, 1989; February 13, 1996; January 8, 1998; [and] November 7, 2002[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1047 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.134" means section 1910.134 in 12-64.1-1."
[Eff 7/6/98; am 5/21/04; am] (Auth:
HRS §396-4) (Imp: HRS §396-4)

23. Section 12-202-36.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-36.1 Benzene. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1028, entitled "Benzene" published by the Office of the Federal Register, National Archives and Records Administration on September 11, 1987; and the amendments published on June 7, 1989; December 13, 1996; January 8, 1998; [and] April 23, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1028 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.1200" means section 1910.1200 in chapter 12-203.1." [Eff 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

24. Section 12-202-37.1, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-37.1 Formaldehyde. (a) Incorporation of federal standard. Title 29 Code of Federal Regulations, section 1910.1048, entitled "Formaldehyde" published by the Office of the Federal Register, National Archives and Records Administration on December 4, 1987; and the amendments published on March 2, 1988; November 8, 1988; December 13, 1988; June 7, 1989; July 13, 1989; August 1, 1989; June 13, 1990; May 27, 1992; June 10, 1992; February 13, 1996; January 8, 1998; [and] April 23, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1048 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.134" means section 1910.134 in section

12-64.1-1.

"§1910.1200" means section 1910.1200 in chapter 12-203.1." [Eff 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

Historical note: §12-202-37.1 is based substantially upon section 12-202-37. [Eff 11/24/88[,]; am 3/22/91[,]; am 6/8/92[,]; 12/5/92; R 7/6/98]

25. Section 12-202-39, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-39 Cadmium. (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1027, entitled "Cadmium", published by the Office of the Federal Register, National Archives and Records Administration, on September 14, 1992, and the amendments published by the Office of the Federal Register, National Archives and Records Administration, on April 23, 1993[,and]; January 8, 1998[,]; and January 5, 2005, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR 1910.1027 and applied to this chapter:

"Assistant Secretary" means the director of the department of labor and industrial relations, State of Hawaii.

"Effective date" means March 14, 1993.

"OSHA" means occupational safety and health division, State of Hawaii.

"OSH Act" means chapter 396, Hawaii Revised Statutes.

"Startup dates" means six months following the dates listed in paragraph (p) of 29 CFR 1910.1027.

"29 CFR 1910.20" means section 12-202-3.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 12-64.1-2.

"29 CFR 1910.141" means chapter 12-67.

"29 CFR 1910.1200" means chapter 12-203.1." [Eff 2/26/93; am 11/5/93; am 9/21/96; am 7/6/98; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

26. Section 12-202-40, Hawaii Administrative Rules, is amended to read as follows:

"§12-202-40 1,3-Butadiene. (a) Incorporation of the federal standard. Title 29, Code of Federal Regulations, section 1910.1051, entitled "1,3-Butadiene", published by the Office of the Federal Register, National Archives and published on November 4, 1996, and the amendments published by the Office of the Federal Register, National Archives and Records Administration, on January 8, 1998; [and] November 7, 2002[,]; and January 5, 2005, are made a part of this section, except as provided in subsection **(b)**.

(b) Definitions. As used in 29 CFR 1910.1051 and applied to this section:

"29 CFR 1910.20" means section 12-202-3.

"29 CFR 1910.38" means chapter 12-71.1.

"29 CFR 1910.106" means chapter 12-74.1.

"29 CFR 1910.120" means chapter 12-74.1.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 1910.134 in chapter 12-64.1.

"29 CFR 1910.1200" means section 1910.1200 in chapter 12-203.1.

"29 CFR 1926.59" means section 1910.1200 in chapter 12-203.1.

"Assistant Secretary" means the director of the department of labor." [Eff 5/2/97; am 7/6/98; am 5/21/04; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

27. Section 12-206-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-206-1 Incorporation of federal standard.

Title 29, Code of Federal Regulations, section 1910.1001, entitled "Asbestos", published by the Office of the Federal Register, National Archives and Records Administration on June 20, 1986; and the amendments published on October 17, 1986; May 12, 1987; September 14, 1988; June 7, 1989; July 13, 1989; December 20, 1989; February 5, 1990; August 24, 1990; June 8, 1992; August 10, 1994; February 21, 1995; March 1, 1995; June 28, 1995; June 29, 1995; August 23, 1996; [and] January 8, 1998 [,]; and January 5, 2005, are made a part of this chapter, except as provided in section 12-206-2." [Eff 8/10/95; am 1/26/96; am 2/8/97; am 7/6/98;

am] (Auth: HRS §396-4) (Imp: HRS
§396-4)

28. Material, except source notes, to be repealed
is bracketed. New Material is underscored.

29. Additions to update source notes to reflect
these amendments are not underscored.

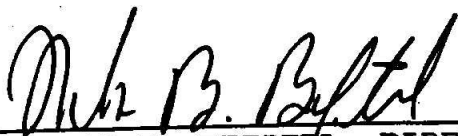
July 13, 1989; December 20, 1989; February 5, 1990;
August 24, 1990; June 8, 1992; August 10, 1994;
February 21, 1995; March 1, 1995; June 28, 1995;
June 29, 1995; August 23, 1996; [and] January 8, 1998
[,]; and January 5, 2005, are made a part of this
chapter, except as provided in section 12-206-2."
[Eff 8/10/95; am 1/26/96; am 2/8/97; am 7/6/98;
am] (Auth: HRS §396-4) (Imp: HRS
§396-4)

28. Material, except source notes, to be repealed
is bracketed. New Material is underscored.

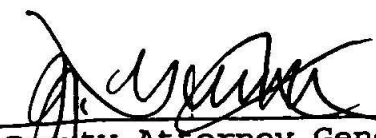
29. Additions to update source notes to reflect
these amendments are not underscored.

30. These amendments to chapters 12-50, 12-62.1,
12-67.2, 12-73.1, 12-74.1, 12-77.1, 12-78.2, 12-79.1,
12-92.1, 12-145.1, 12-146, 12-147, 12-148.1, 12-170,
12-202, and 12-206, Hawaii Administrative Rules, shall
take effect ten days after filing with the Office of
the Lieutenant Governor.

I certify that the foregoing are copies of the
rules, drafted in the Ramseyer format pursuant to the
requirements of section 91-4.1, Hawaii Revised
Statutes, which were adopted on , and
filed with the Office of the Lieutenant Governor.


NELSON B. BEFITEL, DIRECTOR
Department of Labor and
Industrial Relations

APPROVED AS TO FORM:


Deputy Attorney General